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Director

Department of Pesticide Regulation

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Environmental Protection

RESTRICTED USE PESTICIDE

Toxic to fish and aquatic organisms

For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certificate.

July 1, 2020

No. 20-04

**AUTHORIZATION UNDER SECTION 18 OF THE FEDERAL INSECTICIDE,
FUNGICIDE, AND RODENTICIDE ACT (FIFRA) FOR PESTICIDE USES UNDER
SPECIFIC EXEMPTIONS FOR DISTRIBUTION AND USE ONLY WITHIN THE
CALIFORNIA COUNTIES LISTED.**

Pursuant to authority granted under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act and Title 40, Code of Federal Regulations (40 CFR), Part 166, approval is granted to use the pesticide shown below to control specified emergency.

EPA File Symbol: 20-CA-05

Product: BRIGADE® WSB INSECTICIDE/MITICIDE (EPA Reg. No. 279-3108)

Firm Name: FMC Corporation

Location: Fresno, Kern, Kings, Madera, Merced, and Tulare Counties

Crop/Site/Commodity: Pomegranates

Target Pest/Problem: Leaffooted Plant Bugs

Method of Application: Foliar application by ground or air equipment

Application by Air:

Apply the specified dosage in a minimum of 10 gallons of finished spray per acre.

Mount the spray boom on the aircraft so as to minimize drift caused by wing tip or rotor vortices. Use the minimum practical boom length and do not exceed 75% of the wingspan or 80% of the rotor diameter. Flight speed and nozzle orientation must be considered in determining droplet size. Spray must be released at the lowest height consistent with pest control and flight safety.

Do not release spray at a height greater than 10 feet above the crop canopy unless a greater height is required for aircraft safety. When applications are made with a crosswind, the swath will be displaced downwind. The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind.

Application by Ground:

Apply as a dilute (minimum of 200 gallons of finished spray per acre) or concentrate (minimum of 50 gallons of finished spray per acre) in sufficient water to provide thorough coverage.

Rate of Application (in terms of a.i. and product)*:

16-32 ounces of BRIGADE® WSB INSECTICIDE/MITICIDE per acre (0.10-0.20 lbs. of bifenthrin per acre)

*1 water soluble bag = 0.05lb ai = 8 oz formulated product

Frequency/Timing of Applications: Apply as needed to maintain control, but do not apply at intervals sooner than 15 days

Maximum Number of Applications:

- Do not apply more than 32 ounces of BRIGADE® WSB INSECTICIDE/MITICIDE (0.2 lbs. of ai) per acre per application
- Do not apply more than 80 ounces of BRIGADE® WSB INSECTICIDE/MITICIDE (0.5 lbs. of ai) per acre per year.

Restricted Entry Interval (REI): 12 hours

Pre-harvest Interval (PHI): 14 days

Effective Date: July 01, 2020

Expiration Date: December 31, 2020

Other Requirements:

- A maximum of 18,000 acres of pomegranates may be treated in Fresno, Kern, Kings, Madera, Merced, and Tulare Counties.
- This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product on or allow it to drift to blooming pomegranates or other blooming crops.
- Do not graze livestock in treated orchards or cut treated cover crops for feed.
- Applications made in accordance with the above provisions are not expected to result in combined residues of bifenthrin, including its metabolites and degradates, in or on pomegranates in excess of 0.5 ppm. The U.S. Environmental Protection Agency has determined this level is adequate to protect public health. A time-limited tolerance in connection with this action has been established in 40 CFR 180.442(b) to support this emergency use.
- Use of this product may pose a hazard to endangered or threatened species. Before applying this product, applicators must obtain information regarding the proximity of endangered species habitats and follow any applicable use limitations. For details, contact your County Agricultural Commissioner or refer to the Department of Pesticide Regulation's PRESCRIBE Internet Database:
<http://www.cdpr.ca.gov/docs/endspec/prescint.htm>

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and aquatic invertebrates. Use with care when applying in areas adjacent to any body of water. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not make applications when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water disposing of equipment washwaters.

The use of bifenthrin is prohibited in areas that may result in exposure of endangered species to bifenthrin. Prior to use in a particular county contact, the local extension service for procedures and precautions to use to protect endangered species.

PERSONAL PROTECTIVE EQUIPMENT: Applicators and other handlers (other than mixers and loaders) must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

Mixers and Loaders must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks
- Protective eyewear

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

AGRICULTURAL USE REQUIREMENTS: Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for protection of agricultural workers on farms, forests, nurseries, and greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Waterproof gloves
- Shoes plus socks

All applicable directions, restrictions, and precautions on the U.S. EPA registered label for BRIGADE® WSB INSECTICIDE/MITICIDE (EPA Reg. No. 279-3108) and these use directions must be followed.

These use directions must be in the possession of the user at the time of pesticide application.

The Department of Pesticide Regulation (DPR), Pesticide Registration Branch, shall be immediately informed of any adverse effects resulting from the use of this exemption.

Please note: The United States Environmental Protection Agency (U.S. EPA) expects concerned growers or grower groups to work toward the registration of use patterns that may be needed on a continuing basis. It will, therefore, be necessary to require applicants wishing to renew emergency exemptions to provide a progress report on residue tolerance and registration along with request for re-issuance of an emergency exemption. Without substantial progress in pursuing a tolerance and registration for the use in question, it will be difficult to obtain an emergency exemption for another season. The pesticide manufacturer or Western Region IR-4 may be contacted regarding the initiation of a pesticide petition for residue tolerance.

A final report must be submitted by the county agricultural commissioner to the Pesticide Registration Branch within 45 days of the expiration date of this exemption. This report must include the following information:

- a. Amount of product used.
- b. Units (i.e., acres, trees, cattle) treated.
- c. Number of applications.
- d. Estimate of effectiveness.
- e. Any adverse effects noted.

Prior to use under this exemption, a permit must be obtained from the county agricultural commissioner. The permit shall state the maximum number of acres to be treated, maximum amount of product that may be applied, and dealer from which the product may be purchased. The purchaser (permittee) or purchaser's (permittee's) agent must provide the seller, or person delivering the restricted material, a copy of the permit on the date the restricted material is delivered. The dealer shall maintain a record of each sale, which shall be made available to representatives of DPR or county agricultural commissioner upon request. Such records shall include the date of sale or delivery, permit number, identity and amount of product purchased, and the name of the purchaser.

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All applications of this material shall be made by or under the supervision of a certified applicator certified for this category of pest control. Agricultural pest control businesses shall submit a pesticide use report to the county agricultural commissioner within seven days of each treatment. Growers who apply this material shall submit a pesticide use report to the county agricultural commissioner by the 10th day of the month following the month in which the applications are made. The county agricultural commissioner, in cooperation with the Pesticide Registration Branch, will monitor the use of the product under this exemption and will prepare a written report describing any unusual or adverse effects attributable to this use.

This exemption does not constitute a recommendation of DPR and will not prevent quarantine action if illegal residues are found in or on any crop.

To the extent consistent with applicable law, neither DPR nor the county agricultural commissioner, manufacturer or formulator makes any warranty of merchantability, fitness of purpose, or otherwise, expressed or implied, concerning the use of a pesticide in accordance with these provisions. The user and/or grower acknowledge the preceding disclaimer.

Sincerely,

A handwritten signature in blue ink, appearing to read "Francie Bishop". The signature is cursive and somewhat stylized.

Francie Bishop
Senior Environmental Scientist (Supervisory)
Pesticide Registration Branch
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<francie.bishop@cdpr.ca.gov>